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6 Plaintiff, Pro Se

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US DISTRICT COURT
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8 **IN THE UNITED STATES DISTRICT COURT**
9
10 **FOR THE MIDDLE DISTRICT OF TENNESSEE**
11

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13
14 TAREK MENTOURI,
15 Plaintiff,

16 vs.

17
18 MASSAGE LUXE INTERNATIONAL, LLC;
19 DOES 1 THROUGH 100.

20 Defendants

Case No.:

**COMPLAINT FOR DISCRIMINATION
IN VIOLATION OF THE AMERICANS
WITH DISABILITY ACT OF 1990**

42 U.S.C. § 12101

(JURY DEMAND)

21
22
23 **BACKGROUND**
24

25 Plaintiff, Tarek Mentouri ("Tarek") is a person with a disability.¹ Plaintiff's disabilities
26 are recognized as a disability under the *Americans with Disability Act of 1990*.²
27
28

¹ Aspergers and Tourette's Syndrome

² <https://www.eeoc.gov/statutes/titles-i-and-v-americans-disabilities-act-1990-ada>

1 During the Summer of 2020, Tarek went to Defendants' Nashville, Tennessee franchise
2 location and received a one (1) hour introductory discounted rate³. After the original session,
3
4 Tarek and MassageLuxe entered into an Agreement in which Tarek was charged \$65 per month
5 and was to receive a one- hour massage or facial.

6
7 Thereafter, Tarek scheduled a one-hour massage and requested a male. Following the
8 massage, Tarek was sent to a female esthetician of a one-hour facial. During the facial, the
9 esthetician exited the room. Shortly thereafter, a male entered the room and instructed Tarek to
10 leave. Afterwards, Tarek attempted to follow-up with the Manager (Rebecca), who suggested that
11 Tarek would be accommodated by placing him with a different esthetician.

12
13 Therefore, Tarek scheduled an appointment for November 5, 2020. However, one-hour
14 before his scheduled appointment, he received a call that he would not be welcomed at the
15 MassageLuxe Spa. Several hours later, the Manager (Rebecca) telephoned Tarek to inform him
16 that they had done a further investigation⁴, and a higher level executive for MassageLuxe Spa
17 had made a decision that Tarek was not allowed to return to MassageLuxe Spa.
18

19
20 Tarek had NOT violated any Spa Rules or Regulations.⁵
21

22 **PARTIES**

23 Plaintiff is a resident of Nashville, Tennessee and has been such a resident throughout the
24 time of the events leading to this Complaint.
25
26
27

28 ³ For a massage.

⁴ Without any input from Tarek.

⁵ <https://massageluxe.com/rules-regulations/>

1 MassageLuxe Spa, through their franchise is engaged in doing business in this
2 jurisdiction.
3

4
5
6 **JURISDICTION**
7

8 This Court has jurisdiction over this matter pursuant to 28 U.S.C § 1331 and 28 U.S.C §
9 1332.
10

11 Venue and personal jurisdiction in this District are proper because Plaintiff resides in the
12 District, and the acts in controversy occurred within this District. Additionally, Defendants do
13 and transact business within this District.
14

15 **FACTUAL ALLEGATIONS**
16

17 Tarek was and continues to be denied services from MassageLuxe due to Tarek's
18 constitutionally protected rights as a person with a disability.
19

20 **POINTS & AUTHORITIES**
21

22 **FINDINGS AND PURPOSES**
23

24 SEC. 12101. *[Section 2]*
25

26 (a) Findings. - The Congress finds that-

27 **(1) physical or mental disabilities in no way diminish a person's right to fully participate in**
28 **all aspects of society, yet many people with physical or mental disabilities have been**

1 **precluded from doing so because of discrimination; others who have a record of a disability**
2 **or are regarded as having a disability also have been subjected to discrimination;**
3

4 (2) historically, society has tended to isolate and segregate individuals with disabilities, and,
5 despite some improvements, such forms of discrimination against individuals with disabilities
6 continue to be a serious and pervasive social problem;
7

8 (3) discrimination against individuals with disabilities persists in such critical areas as
9 employment, housing, public accommodations, education, transportation, communication,
10 recreation, institutionalization, health services, voting, and access to public services;
11

12 (4) unlike individuals who have experienced discrimination on the basis of race, color, sex,
13 national origin, religion, or age, individuals who have experienced discrimination on the basis of
14 disability have often had no legal recourse to redress such discrimination;
15
16

17 (5) individuals with disabilities continually encounter various forms of discrimination, including
18 outright intentional exclusion, the discriminatory effects of architectural, transportation, and
19 communication barriers, overprotective rules and policies, failure to make modifications to
20 existing facilities and practices, exclusionary qualification standards and criteria, segregation,
21 and relegation to lesser services, programs, activities, benefits, jobs, or other opportunities;
22
23

24 (6) census data, national polls, and other studies have documented that people with disabilities,
25 as a group, occupy an inferior status in our society, and are severely disadvantaged socially,
26 vocationally, economically, and educationally;
27
28

1 (7) the Nation's proper goals regarding individuals with disabilities are to assure equality of
2 opportunity, full participation, independent living, and economic self-sufficiency for such
3 individuals; and
4

5 (8) the continuing existence of unfair and unnecessary discrimination and prejudice denies
6 people with disabilities the opportunity to compete on an equal basis and to pursue those
7 opportunities for which our free society is justifiably famous, and costs the United States billions
8 of dollars in unnecessary expenses resulting from dependency and nonproductivity.
9
10

11 (b) Purpose. - It is the purpose of this chapter-

12
13 (1) to provide a clear and comprehensive national mandate for the elimination of discrimination
14 against individuals with disabilities;
15

16 (2) to provide clear, strong, consistent, enforceable standards addressing discrimination against
17 individuals with disabilities;
18

19 (3) to ensure that the Federal Government plays a central role in enforcing the standards
20 established in this chapter on behalf of individuals with disabilities; and
21

22 (4) to invoke the sweep of congressional authority, including the power to enforce the fourteenth
23 amendment and to regulate commerce, in order to address the major areas of discrimination
24 faced day to day by people with disabilities.
25

26 **PRAYER FOR RELIEF**

27 Plaintiff respectfully prays for the following relief:
28

1. An award of appropriate compensatory and punitive damages under the ADA and Rehabilitation Act.
2. Any other relief that this Honorable Court deems appropriate.
3. A TRIAL BY JURY IS HEREBY DEMANDED.

Dated: November 9, 2021

Tarek Osaak Mentouri

Tarek Mentouri, Plaintiff Pro Se

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